

data, was intended to prevent delays from getting worse than 2007 levels. Although the adjusted capacity for winter 2016 is below the previously established limit it is reflective of recent operational data in the similar previous season and would allow the FAA to approve additional operations over the number operated in winter 2015.

The FAA will use the following EWR capacities for scheduled flights during the winter 2016 season, reflecting average airport runway statistics during the recent winter scheduling seasons.<sup>3</sup> The limits for purposes of Level 2 review are 79 scheduled operations per hour, 43 in a half-hour, 79 in consecutive half-hours, and 231 in rolling three-hour periods. The FAA believes that a transition from Level 3 to Level 2 should consider the need for air traffic control facilities and the airport terminal and gate infrastructure to adapt to the expected increase in operations. The three hour limitation will allow a higher number of flights in some hours while also allowing for system recovery. In reviewing proposed schedules, the FAA will also consider the distribution of scheduled arrivals and departures within a half-hour or hour and whether there is significant peaking due to the distribution of flights within the period. The FAA may seek adjustments to proposed schedules to address congestion issues.

As it has in prior scheduling seasons, the FAA will use the average hourly runway capacities at LAX, ORD, and SFO. The FAA may include particular emphasis or review for time periods with current or projected operational impacts and discuss the reasons for any proposed schedule adjustments directly with affected carriers. LAX capacity estimates for the runway construction phases in later 2016 and 2017 have been presented to carriers during LAX construction meetings. These rates have not been finalized and will be reviewed with carriers on a local level during upcoming meetings.

The FAA intends to deny approval for carrier schedules that exceed capacity with limited exceptions. These exceptions may include flights operated only a relatively short time period in the prior season, ad hoc or limited term cargo flights such as those operated in past years prior to the Christmas

<sup>3</sup> Unscheduled flights are not included in the FAA Level 2 schedule review process or hourly scheduling limits. Unscheduled flights include general aviation, business aviation, military, public aircraft, ferry and positioning flights, and ad hoc charter operations. Regularly conducted commercial services, including public charters, are considered scheduled operations for the purposes of FAA's Level 2 review.

holidays, and flights to meet high demand such as Thanksgiving, Christmas, or similar periods. The FAA will primarily review schedules for runway capacity on a half-hourly basis, allowing flexibility for carrier schedules within those windows without the need for additional FAA schedule review.

Issued in Washington, DC, on May 6, 2016.

**Daniel E. Smiley,**

*Vice President, System Operations Services.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[USCG-2007-28532]

#### **Surrender and Termination of the Port Dolphin Energy LLC License To Own, Construct and Operate the Port Dolphin Deepwater Port**

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice of license surrender and termination.

**SUMMARY:** The Maritime Administration (MARAD) announces the surrender and termination of the Port Dolphin Energy LLC (Port Dolphin Energy) Deepwater Port License ("License"). All actions and obligations required by the License to own, construct and operate a deepwater port issued to Port Dolphin Energy on May 7, 2010, are terminated. Pursuant to Section 1503(h) of the Deepwater Port Act of 1974, as amended, a deepwater port license may remain in effect until such time it is either suspended or revoked by the Secretary of Transportation (Secretary) or surrendered by the licensee. MARAD has approved this action in response to Port Dolphin's notification of its decision to abandon its plans to construct and operate the proposed Port Dolphin Energy deepwater port, and surrender its License for the proposed facility.

**DATES:** The date of surrender and termination of all actions and obligations required under the license was effective on April 25, 2016.

**ADDRESSES:** The public docket for the Port Dolphin Energy deepwater port is identified by Docket No. USCG-2007-28532 and is maintained by the U.S. Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

The Federal Docket Management Facility accepts hand-delivered

submissions, and makes docket contents available for public inspection and copying at this address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management Facility's telephone number is 202-366-9826 or 202-366-9317, the fax number is 202-493-2251 and the Web site for electronic submissions or for electronic access to docket contents is <http://www.regulations.gov>. Keyword search "USCG-2007-28532."

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the Port Dolphin Energy deepwater port project, please contact Ms. Yvette M. Fields, Director, Office of Deepwater Ports and Offshore Activities at (202) 366-0926 or [Yvette.Fields@dot.gov](mailto:Yvette.Fields@dot.gov).

**SUPPLEMENTARY INFORMATION:** On August 28, 2015, MARAD received notification from the licensee, Port Dolphin Energy, of its intention to surrender its License to own, construct and operate a liquefied natural gas (LNG) deepwater port proposed for location approximately 28 miles off the western coast of Florida, and approximately 42 miles from Port Manatee, Manatee County, Florida. After careful review of the License surrender request, MARAD determined that all outstanding obligations required of Port Dolphin Energy for the surrender and termination of its License were satisfied. Accordingly, on April 25, 2016, the Maritime Administrator approved the surrender and termination of the License including termination of the related financial guarantees and all other obligations required under the License. MARAD has issued notification letters regarding this final agency action to Port Dolphin Energy and to all relevant Federal and State agencies involved in the original approval of the Port Dolphin project. Further information pertaining to this project may be found in the public docket (*see ADDRESSES*).

**Authority:** 49 CFR 1.93(h).

Dated: May 6, 2016.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

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